

ASSEMBLY BILL

No. 1422

Introduced by Assembly Member Bogh

February 22, 2005

An act to add Section 1418.95 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1422, as introduced, Bogh. Long-term health care facilities: sexual offenders.

Existing law, provides for the licensing and regulation of health facilities by, with certain exceptions, the State Department of Health Services. Existing law, the Long-Term Care, Health, Safety, and Security Act of 1973, requires the department to adopt regulations to establish a licensing, inspection, reporting, and citation system to ensure quality care in long-term health care facilities. Violation of these provisions is a crime.

Existing law requires that persons convicted of prescribed sexual crimes to register with the chief of police of the city, or the sheriff of the county, in which he or she is residing.

This bill would require that a person required to register as a sex offender be presumed to be a threat to the residents of a long-term health care facility and by changing the definition of a crime would impose a state-mandated local program. The bill would authorize a facility to discharge or deny admission to the person and would authorize the facility to admit the person if it makes prescribed findings to overcome the presumption or if it finds that it is staffed to handle the threat.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1418.95 is added to the Health and
2 Safety Code, immediately following Section 1418.91, to read:

3 1418.95. (a) A resident of a long-term health care facility
4 who has committed an offense that requires the resident to
5 register pursuant to Section 290 of the Penal Code shall, for the
6 purposes of this section, be presumed by the administrator of the
7 facility to present a threat to the health, safety, and welfare of the
8 residents or staff at the facility.

9 (b) The presumption in subdivision (a) may be overcome by
10 the facility's assessment of the resident and a determination by
11 both the resident's attending physician and the facility's
12 interdisciplinary team that the facility is capable of taking proper
13 care of the resident and protecting the health, safety, and welfare
14 of the other residents and staff at the facility.

15 (c) Until a facility determines that the facility is adequately
16 staffed to protect residents from the threat or until the
17 presumption is overcome pursuant to subdivision (b), a facility
18 may deny admission to any potential resident who is required to
19 register under Section 290 of the Penal Code.

20 (d) A facility may discharge any resident as soon as
21 practicable, but not less than 15 days, after obtaining information
22 that the resident has committed an offense which requires the
23 resident to register pursuant to Section 290 of the Penal Code.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the
29 penalty for a crime or infraction, within the meaning of Section
30 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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